



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91802-1460

October 21, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

38 October 21, 2014

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**MODIFICATIONS TO THE RULES AND REGULATIONS OF THE
LOS ANGELES COUNTY WATERWORKS DISTRICTS AND THE
MARINA DEL REY WATER SYSTEM TO ADDRESS THE MANDATORY
WATER CONSERVATION REGULATIONS IMPOSED BY THE
STATE WATER RESOURCES CONTROL BOARD
(SUPERVISORIAL DISTRICTS 3, 4, AND 5)
(3 VOTES)**

SUBJECT

This action is to adopt the Resolution approving the amendments to the Phased Water Conservation Plan contained as Part 5 of the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System to address the mandatory water conservation regulations imposed by the State Water Resources Control Board.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY WATERWORKS DISTRICTS AND THE MARINA DEL REY WATER SYSTEM

1. Find that the purpose of the modification to the Phased Water Conservation Plan for the Los Angeles County Waterworks Districts and the Marina del Rey Water System is to comply with mandatory water conservation regulations imposed by the State Water Resources Control Board and this action is exempt under the California Environmental Quality Act pursuant to Section 15378(b)(5) of the California Environmental Quality Act Guidelines.
2. Adopt the Resolution approving the proposed modifications to the Phased Water Conservation Plan, set forth in the Resolution, that is implemented in the event of a drought.

3. Adopt the amendments to the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System to reflect the modification to the Phased Water Conservation Plan and regulate the use of construction water service, allowing the District Engineer to suspend use and discontinue issuance of temporary service where continued use would be detrimental to operations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of this action is to modify the existing Phased Water Conservation Plan contained in Part 5 of the Rules and Regulations for the Los Angeles County Waterworks Districts and the Marina del Rey Water System (Rules and Regulations) to address the Statewide mandatory water conservation regulations adopted by the State Water Resources Control Board.

The purpose of this action is to also amend the Rules and Regulations to revise rules regulating the use of construction water service to allow the District Engineer to suspend use and discontinue issuance of temporary service where continued use would be detrimental to the operations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System. Temporary service requests would be directed to utilize recycled, raw, or other water sources, when in the opinion of the District Engineer physical conditions are such that the added demands would be detrimental to the operations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Integrated Service Delivery (Goal 3) by providing reliable water supply to existing customers of the Los Angeles County Waterworks Districts and the Marina del Rey Water System through effective water supply management.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The existing plan was originally established in May 1991. The plan consists of nine phases of mandatory conservation that can be implemented by the Board following a public hearing to minimize the effect of a water shortage emergency on customers of the Los Angeles County Waterworks Districts and the Marina del Rey Water System. Each phase of the plan requires the Board to declare a water shortage, includes specific restrictions in water use, and imposes a surcharge on customers who do not reduce their use by a specific percentage when the Board declares a similar percentage water shortage.

The proposed amendments (Enclosure B) add a new first phase to the plan that gives the District Engineer greater flexibility to restrict the use of water when such an action is mandated by the State of California without the Board having to declare a shortage or impose surcharges on customers.

The Los Angeles County Waterworks Districts and the Marina del Rey Water System may supply water for irrigation, domestic, industrial, or fire protection purposes and may do all things necessary or proper to accomplish this purpose per Water Codes 55330 and 55331.

The Board is authorized to modify the existing plan pursuant to Section 55501 of the County Waterworks District Law, Water Code Sections 55000, et. seq. Adoption of the enclosed Resolution (Enclosure A) will revise the Rules and Regulations, which the Board adopted pursuant to Section 55333 of the County Waterworks District Law, to modify the plan.

ENVIRONMENTAL DOCUMENTATION

These actions and the Resolution amending the Rules and Regulations are not a project subject to provisions of the California Environmental Quality Act (CEQA) Guidelines because they are activities that are excluded from the definition of a project by Section 15378(b)(5) of the CEQA Guidelines. The proposed actions are administrative activities of government, which will not result in direct or indirect physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current County services or projects during the performance of the recommended actions.

CONCLUSION

Please return one adopted copy of the Resolution and this letter to the Department of Public Works, Waterworks Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:AA:dvt

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

ENCLOSURE A

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, CALIFORNIA, APPROVING THE PROPOSED MODIFICATION OF THE PHASED WATER CONSERVATION PLAN FOR THE LOS ANGELES COUNTY WATERWORKS DISTRICTS AND THE MARINA DEL REY WATER SYSTEM

WHEREAS, the Urban Water Management Planning Act requires all urban water suppliers to adopt an Urban Water Management Plan (UWMP); and

WHEREAS, Section 10632 requires an UWMP to include a Water Shortage Contingency Plan with stages of action to be undertaken in response to water supply shortages; and

WHEREAS, on July 15, 2014, the State Water Resources Control Board adopted mandatory water conservation regulations that require all water retailers in California to implement outdoor watering restrictions including the stage of their Water Shortage Contingency Plan that includes outdoor watering restrictions; and

WHEREAS, Los Angeles County Waterworks District No. 29, Malibu, and No. 40, Antelope Valley, are "urban water suppliers" per Section 10617 of the California Water Code; and

WHEREAS, the Water Shortage Contingency Plan for both Los Angeles County Waterworks District No. 29, Malibu, and No. 40, Antelope Valley, is the Phased Water Conservation Plan adopted as Part 5 of the Rules and Regulations for the Los Angeles County Waterworks Districts and the Marina del Rey Water System (Rules and Regulations); and

WHEREAS, the Phased Water Conservation Plan can be implemented in all the Los Angeles County Waterworks Districts and the Marina del Rey Water System; and

WHEREAS, all phases of the Phased Water Conservation Plan require the Board to declare a water shortage, include specific restrictions in water use, and impose a surcharge on customers who do not reduce their use by a specific percentage when the Board declares a similar percentage water shortage; and

WHEREAS, the Phased Water Conservation Plan will allow the Los Angeles County Waterworks Districts and the Marina del Rey Water System to implement water use rules and restrictions when required by the State of California.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Los Angeles, as the governing body of the Los Angeles County Waterworks Districts, does hereby approve and adopt the amendments to the Rules and Regulations (Enclosure B).

The foregoing Resolution was on the 21st day of October, 2014, adopted by the Board of Supervisors of the County of Los Angeles as the governing body of the Los Angeles County Waterworks Districts and the Marina del Rey Water System.

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By Carla Little
Deputy



APPROVED AS TO FORM:

RICHARD D. WEISS
Acting County Counsel

By Richard D. Weiss
Deputy

ENCLOSURE B

AMENDMENTS TO THE RULES AND REGULATIONS OF THE LOS ANGELES COUNTY WATERWORKS DISTRICTS

SECTION 1. Rule 1-A-6d of Part 1 of the Rules and Regulations of the Los Angeles County Waterworks Districts is hereby amended as follows:

- 1-A-6d **CONSTRUCTION WATER SERVICE:** The service provided by the District in supplying water for backfilling trenches and other construction service on a temporary basis only, not to exceed a term of six months. The District may suspend use and/or discontinue issuance of construction water services and direct applicants to utilize recycled, raw or other water sources, when in the opinion of the District Engineer physical conditions are such that the added demands would be detrimental to the District operations.

SECTION 2. Rule 1-C-3 of Part 1 of the Rules and Regulations of the Los Angeles County Waterworks Districts is hereby amended as follows:

- 1-C-3 **CLASSES OF SERVICE:** Water services provided by the District may be separated into the following classes, all of which (under normal conditions) are to be metered:

a. Permanent:

- (1a) Domestic
- (1b) Public
- (1c) Fire Protection

b. Temporary:

- (1a) Construction

Permanent service will only be provided upon satisfaction of District requirements including payment of applicable charges and installation and completion to District standards of all required facilities. Any service provided before the above requirements have been satisfied shall be temporary service and subject to discontinuance at any time.

The District may make various requirements of water service applicants that must be satisfied before permanent service will be provided, including that the applicant install and dedicate to the District facilities necessary to supply

the applicant's property with proper and adequate water service from a water main fronting the property or providing service as approved by the District from a non-fronting water main.

Temporary service (See Rule 1-A-6d and 1-H-5b) is subject to discontinuance at any time.

SECTION 3. Rule 1-H-5b of Part 1 of the Rules and Regulations of the Los Angeles County Waterworks Districts is hereby amended as follows:

1-H-5b TEMPORARY METERED SERVICE INCLUDING CONSTRUCTION:
Temporary service is that allowed for such purposes as construction work by others in the public ways or on private property for which a water supply is needed. Temporary service shall only be provided by (1) the installation by the District of a construction meter on a District fire hydrant or flushout for which the applicant shall pay a charge; or (2) installation of a service connection and meter similar to a permanent installation of a service connection and meter.

The District may suspend use and/or discontinue issuance of construction water services and direct applicants to utilize recycled, raw or other water sources, when in the opinion of the District Engineer physical conditions are such that the added demands would be detrimental to the District operations.

The charges to be paid by the applicant to the District for the furnishing, installation, removal, inspection and/or relocation of District equipment for temporary metered service are as given in Rule 2-B-4 or as given in Rules of Part 3 hereof as applicable.

SECTION 4. Part 5 of the Rules and Regulations of the Los Angeles County Waterworks Districts is hereby amended as follows:

PART 5 - PHASED WATER CONSERVATION PLAN

**SECTION A - STATEMENT OF POLICY, DECLARATION OF PURPOSE,
AND GENERAL PROHIBITION**

5-A-1 STATEMENT OF POLICY, DECLARATION OF PURPOSE:

Because of the water supply conditions prevailing in any or all of the County Waterworks Districts and/or in the area from which any or all of the Districts obtain all or a portion of their supply, the general welfare requires that the water resources available to any or all of the Districts be put to the maximum beneficial use to the extent to which they are capable, and that the unreasonable use, or unreasonable method of use of water be

discouraged and that the conservation of such water be practiced with a view to the reasonable and beneficial use thereof in the interest of the people of any or all of the Districts and for the public welfare. The purpose of this Phased Water Conservation Plan is to minimize the effect of a shortage of water supplies on the customers of any or all of the Districts during a water shortage emergency.

5-A-2 GENERAL PROHIBITION

5-A-2a No customer of the District or Districts shall make, cause, use, or permit the use of water from the District or Districts in a manner contrary to any provision of this ordinance.

5-A-2b In the area of District No. 40, Antelope Valley; Region 34, Desert View Highlands, known as Ritter Ranch, as defined in Agreement No. 66407 as amended between the District and Ritter Park Associates, the water use limitations contained in Agreement No. 66407 as amended shall be implemented in addition to those required by this Part of these rules.

SECTION B – PHASE I SHORTAGE

5-B-1 PHASE I SHORTAGE - DESCRETIONARY RESTRICTIONS BY THE DISTRICT ENGINEER

If the Engineer determines that over consumption of water, loss of pressure in a system, breakdown, drought conditions or any similar occurrence, requires emergency restrictions upon the use of water from any system, he shall order such restrictions, including, but not limited to, any or all of the restrictions contained in Sections 5-B-1a through 5-B-1f.

Any such order shall be communicated by the Engineer, either in writing or orally to water consumers served by the affected system. Water supply to any premises where use of water is being made in violation of an order of the Engineer may be shut off.

When the Engineer determines that the emergency no longer exists, the Engineer shall issue an order relieving the restrictions of prohibitions previously ordered under this Section. Such order shall be communicated to affected water consumers in the same manner in which the order instituting the restrictions or prohibitions was communicated.

- 5-B-1a The use of water for watering of lawn, landscape or other turf area with water supplied by the District may be limited to specified days or hours of a day or altogether prohibited, except that the use of water for drinking, cooking, and sanitary purposes. The watering of lawn, landscape or other turf area with water supplied by the District shall be limited to not more than every other day and shall be prohibited between the hours of 10 am and 5 pm.
- 5-B-1b New meters to provide construction water service shall not be issued.
- 5-B-1c Water Service ("Will Serve") letters will be issued but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.
- 5-B-1d Existing meters providing construction water service shall be removed.
- 5-B-1e No new permanent meters shall be installed.
- 5-B-1f Any restrictions placed on the District by State of California.

SECTION ~~BC~~ – AUTHORIZATION TO IMPLEMENT WATER CONSERVATION FOR PHASE II SHORTAGES THROUGH PHASE X SHORTAGES

- 5-~~BC~~-1 AUTHORIZATION TO IMPLEMENT WATER CONSERVATION
- 5-~~BC~~-1a The Board of Directors of the Waterworks Districts may implement the applicable provisions of this conservation plan, following the public hearing required by Rule 5-BC-1b, upon its determination that such implementation is necessary to protect the public welfare and safety.
- 5-~~BC~~-1b The Board of Directors of the Waterworks Districts shall hold a public hearing for the purpose of determining whether a shortage exists in any or all of the Districts and which measures provided by this ordinance should be implemented. Notice of the time and place of the public hearing shall be published not less than ten (10) days before the hearing in a newspaper of general circulation within the affected District or Districts.
- 5-~~BC~~-1c The Board of Directors shall issue its determination of shortage and corrective measures by resolution published in a daily newspaper of general circulation within the affected District or Districts. Conservation surcharges assessed per Rule 5-0-1 shall become effective no sooner than the first full billing period commencing on or after the date of such publication.

SECTION D - PHASE II SHORTAGE

5-D-1 PHASE II SHORTAGE:

5-D-1a A Phase II Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a ten percent (10%) shortage in its water supplies.

5-D-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of ninety percent (90%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

5-D-1c For meter sizes of one (1) inch or less, a base quantity shall be the average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the BOARD.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of ninety percent (90%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

SECTION E - PHASE III SHORTAGE

5-E-1 PHASE III SHORTAGE:

5-E-1a A Phase III Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between ten percent (10%) and fifteen percent (15%) in its water supplies.

5-E-1b A customer with a meter size of one and one-half (1 1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of eighty-five percent (85%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

- 5-E-1c For meter sizes of one (1) inch or less, a base quantity shall be the average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the BOARD.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of eighty-five percent (85%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

SECTION F - PHASE IV~~II~~ SHORTAGE

- 5-F-1 PHASE IV~~II~~ SHORTAGE:

- 5-F-1a A Phase IV~~II~~ Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between fifteen percent (15%) and twenty percent (20%) in its water supplies.

- 5-F-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of eighty percent (80%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

- 5-F-1c For meter sizes of one (1) inch or less, a base quantity shall be the average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the BOARD.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of eighty percent (80%) of the base quantity. All water used in excess of the target quantity shall be subject to a surcharge per Rule 5-0-1.

- ~~5-F-1d New meters to provide construction water service shall not be issued.~~

- ~~5-F-1e Water service ("Will Serve") letters will be issued, but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.~~

SECTION G - PHASE IV SHORTAGE

5-G-1 PHASE IV SHORTAGE:

5-G-1a A Phase IV Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between twenty percent (20%) and twenty-five percent (25%) in its water supplies.

5-G-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of seventy-five percent (75%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

5-G-1c For meter sizes of one (1) inch or less, a base quantity shall be the average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the BOARD.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of seventy-five percent (75%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

~~5-G-1e New meters to provide construction water service shall not be issued.~~

~~5-G-1f Water Service ("Will Serve") letters will be issued but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.~~

SECTION H - PHASE VI SHORTAGE

5-H-1 PHASE VI SHORTAGE:

5-H-1a A Phase VI Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between twenty-five (25%) and thirty percent (30%) in its water supplies.

5-H-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used

up to a target quantity of seventy percent (70%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Supervisors.

- 5-H-1c For meter sizes of one (1) inch or less, a base quantity shall be the average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the BOARD.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of seventy percent (70%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

- ~~5-H-d The watering of lawn, landscape or other turf area with water supplied by the district shall be limited to not more than every other day and shall be prohibited between the hours of 10:00 a.m. and 5:00 p.m.~~

- ~~5-H-1e New meters to provide construction water service shall not be issued.~~

- ~~5-H-1f Water service ("Will Serve") letters will be issued but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.~~

SECTION I - PHASE VII SHORTAGE

- 5-I-1 PHASE VII SHORTAGE:

- 5-I-1a A Phase VII Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between thirty (30%) and thirty-five percent (35%) in its water supplies.

- 5-I-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of sixty-five percent (65%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

- 5-I-1c For meter sizes of one (1) inch or less, a base quantity shall be the average of the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the BOARD.

A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of sixty-five percent (65%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

- ~~5-I-1d The watering of lawn, landscape or other turf area with water supplied by the District shall be limited to not more than every third day and shall be prohibited between the hours of 10:00 a.m. and 5:00 p.m.~~

- ~~5-I-1e New meters to provide construction water service shall not be issued.~~

- ~~5-I-1f Water service ("Will Serve") letters will be issued but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.~~

SECTION J - PHASE VIII SHORTAGE

- 5-J-1 PHASE VIII SHORTAGE:

- 5-J-1a A Phase VIII Shortage shall be declared whenever the Board of Directors determined that it is likely that the District will suffer a shortage of between thirty-five (35%) and forty percent (40%) in its water supplies.

- 5-J-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of sixty percent (60%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

- 5-J-1c For meter sizes of one (1) inch or less, a base quantity shall be computed by averaging the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board of Directors. A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of sixty percent (60%) of the base quantity. All water used in excess of the target quantity shall be subject to a surcharge per Rule 65-0-1.

~~5-J-1d The watering of lawn, landscape or other turf area with water supplied by the District shall be prohibited, except that trees and shrubs may be watered at any time by bucket.~~

~~5-J-1e All meters to provide construction water shall be removed.~~

~~5-J-1f Water service ("Will Serve") letters will be issued, but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.~~

~~5-J-1g No new permanent meters shall be installed.~~

SECTION K - PHASE ~~VIII~~ IX SHORTAGE

5-K-1 PHASE VIII IX SHORTAGE

5-K-1a A Phase VIII IX Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between forty percent (40%) and forty-five percent (45%) in its water supplies.

5-K-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of fifty-five percent (55%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

5-K-1c For meter sizes of one (1) inch or less, a base quantity shall be computed by averaging the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board of Directors. A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to fifty-five percent (55%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

~~5-K-1d The watering of lawn, landscape or other turf area with water supplied by the District shall be prohibited except that trees and shrubs may be watered at any time by bucket.~~

~~5-K-1e All meters to provide construction water shall be removed.~~

~~5-K-1f Water service ("Will Serve") letters will be issued but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.~~

~~5-K-1g No new permanent meters shall be installed.~~

SECTION L - PHASE IX SHORTAGE

5-L-1 PHASE IX SHORTAGE

5-L-1a A Phase IX Shortage shall be declared whenever the Board of Directors determines that it is likely that the District will suffer a shortage of between forty-five (45%) and fifty percent (50%) in its water supplies.

5-L-1b A customer with a meter size of one and one-half (1-1/2) inches or larger shall be billed at his or her normal established water rate for all water used up to a target quantity of fifty percent (50%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1. The base quantity shall be determined by the amount of water used on the customer's premises during the corresponding billing period of a base period to be defined by the Board of Directors.

5-L-1c For meter sizes of one (1) inch or less, a base quantity shall be computed by averaging the water usage for all similar sized meters during the corresponding billing period of a base period to be defined by the Board of Directors. A customer with a meter size of one (1) inch or less shall be billed at his or her normal established water rate for all water used up to a target quantity of fifty percent (50%) of the base quantity. All water used in excess of the target quantity shall be subject to a conservation surcharge per Rule 5-0-1.

~~5-L-1d The watering of lawn, landscape or other turf area including trees and shrubs, with water supplied by the District shall be prohibited.~~

~~5-L-1e All meters to provide construction water shall be removed.~~

~~5-L-1f Water service ("Will Serve") letters will be issued, but such letters will be issued with the condition that permanent metered service to any newly created lot will be prohibited until the Board of Directors determines that the provisions of the Phased Water Conservation Plan are no longer in effect or that the severity of the water supply condition may be reduced to a Phase I or Phase II shortage.~~

~~5-L-1g No new permanent meters shall be installed.~~

SECTION M - RELIEF FROM COMPLIANCE

5-M-1 RELIEF FROM COMPLIANCE:

5-M-1a A customer may file an application for relief from any provisions of this ordinance. The Director of Public Works shall develop such procedures as he or she considers necessary to resolve such applications and shall, upon the filing by a customer of an application for relief, take such steps as he or she deems reasonable to resolve the application for relief. The decision of the Director of Public Works shall be final. The Director of Public Works may delegate his or her duties and responsibilities under this Rule as appropriate.

5-M-1b The application for relief may include a request that the customer be relieved, in whole or in part, from the conservation surcharge provisions of Rules 5-D-1b, 5-D-1c, 5-E-1b, 5-E-1c, 5-F-1b, 5-F-1c, 5-G-1b, 5-G-1c, 5-H-1b, 5-H-1c, 5-I-1b, 5-I-1c, 5-J-1b, 5-J-1c, 5-K-1b, 5-K-1c, 5-L-1b, and 5-L-1c.

5-M-1c In determining whether to grant relief, and the nature of any relief, the Director of Public Works shall take into consideration all relevant factors including, but not limited to:

1. Whether any additional reduction in water consumption will result in unemployment;
2. Whether additional members have been added to the household;
3. Whether any additional landscaped property has been added to the property since the corresponding billing period of the base year;
4. Changes in vacancy factors in multi-family housing;
5. Increased number of employees in commercial, industrial, and governmental offices;
6. Increased production requiring increased process water;
7. Water uses during new construction;
8. Adjustments to water use caused by emergency health or safety hazards;
9. First filling of a permit-constructed swimming pool; and

10. Water use necessary for reasons related to family illness or health.

11. Whether the basic period for billing should be adjusted due to the unique circumstances of the type of facility, such as a boat, which results in irregular, intermittent periods of consumption.

5-M-1d In order to be considered, an application for relief must be filed with the District within twenty (20) days from the date the provision from which relief is sought becomes applicable to the applicant. No relief shall be granted unless the customer shows that he or she has achieved the maximum practical reduction in water consumption other than in the specific areas in which relief is being sought. No relief shall be granted to any customer who, when requested by the Director of Public Works or designee, fails to provide any information necessary for resolution of the customer's application for relief. The decision shall be issued within twenty (20) days and provided to the customer.

SECTION N - NOTIFICATION OF CUSTOMERS

5-N-1 NOTIFICATION OF CUSTOMERS:

5-N-1a Each customer will be notified on his or her bill as to what the target quantity and the base quantity will be for the applicable billing period.

SECTION O - CONSERVATION SURCHARGES

5-O-1 CONSERVATION SURCHARGES:

5-O-1a Water use up to the target quantities specified in Rules 5-D-1b, 5-D-1c, 5-E-1b, 5-E-1c, 5-F-1b, 5-F-1c, 5-G-1b, 5-G-1c, 5-H-1b, 5-H-1c, 5-I-1b, 5-I-1c, 5-J-1b, 5-J-1c, 5-K-1b, 5-K-1c, 5-L-1b, and 5-L-1c shall be billed at the established QUANTITY CHARGE or NORMAL USE CHARGE. Water use in excess of the aforementioned target quantities shall be subject to the following conservation surcharges in addition to the established QUANTITY CHARGE or NORMAL USE CHARGE:

1. For all customers within Los Angeles County Waterworks Districts and Marina Del Rey Water System, an additional conservation surcharge of 1.0 times the established QUANTITY CHARGE or NORMAL USE CHARGE will be assessed for water use in excess of the target quantity, up to 115 percent of the target quantity.

2. For all customers within Los Angeles County Waterworks Districts and Marina Del Rey Water System, an additional conservation surcharge of 2.0 times the established QUALITY CHARGE or NORMAL USE CHARGE will be assessed for water use in excess of 115 percent of the target quantity.
3. If cost of purchased water obtained from the water wholesalers that sell water to the Los Angeles County Waterworks Districts increases beyond the amounts that can be offset and collected through the rates set in 1 and 2 of this provision, then the District Engineer is hereby authorized to revise the rates set in 1 and 2 of this provision in amounts necessary to offset the cost to purchase the water.

5-O-1b Violation by any customer of the water use prohibitions of Rules 5-B-1a, 5-B-1b, 5-B-1c, 5-B-1d, 5-B-1e, and 5-B-1f shall be penalized as follows:

1. First violation. The Director of Public Works or designee shall issue a written notice of the fact of a first violation to the customer.
2. Second violation. For a second violation during any one water shortage emergency, the Director of Public Works or designee shall issue a written notice of the fact of a second violation to the customer.
3. Third and subsequent violations. For a third and each subsequent violation during any one water shortage emergency, the Director of Public Works or designee may install a flow-restricting device or the service of the customer at the premises at which the violation occurred for installing and for removing the flow-restricting devices and for restoration of normal service. The charge shall be paid before normal service can be restored.

5-O-1c All monies collected by a District pursuant to this ordinance shall be deposited in that District's General Fund as reimbursement for the District's costs and expenses of administering this conservation plan.

5-O-1d The District shall give notice to customer of water conservation surcharges or of water usage violations as follows:

- a. Notice of water conservation surcharges or of first and second violations of the water use prohibitions of Rules 5-B-1a, 5-B-1b, 5-B-1c, 5-B-1d, 5-B-1e, and 5-B-1f ~~5-G-1d, 5-H-1d, 5-I-1d, 5-J-1d, 5-K-1d, and 5-L-1d~~ shall be given to the customer in person or by regular mail.
- b. If the customer is absent from or unavailable at the premises at which the violation occurred, by leaving a copy with some person of suitable

age and discretion at the premises and sending a copy through the regular mail to the address at which the customer is normally billed; or

- c. If a person of suitable age or discretion cannot be found, then by affixing a copy in a conspicuous place at the premises at which the violation occurred and also sending a copy through the regular mail to the address at which the customer is normally billed.

5-O-1e The notice of a violation of the water use prohibitions of 5-B-1a, 5-B-1b, 5-B-1c, 5-B-1d, 5-b-1e, and 5-B-1f ~~Rules 5-G-1d, 5-H-1d, 5-I-1d, 5-J-1d, 5-K-1d, and 5-L-1d~~ shall contain a description of the facts of the violation, a statement of the possible penalties for each violation and a statement informing the customer of his right to a hearing on the merits of the violation pursuant to Rule 5-P-1.

5-O-1f Nothing in these regulations shall prohibit any customer from either installing sub-meters or from pro-rating and collecting from the ultimate users any conservation surcharges assessed when the customer's master meter measures consumption of water for multiple tenancy facilities. However, unless the sub-meters are subsequently billed directly by the District, the customer responsible for the master meter shall continue to be responsible directly to the District for all payments including conservation surcharges.

SECTION P - HEARING REGARDING VIOLATIONS

5-P-1 HEARING REGARDING VIOLATIONS:

5-P-1a Any customer receiving notice of a third or subsequent violations of the water use prohibitions of Rules 5-B-1a, 5-B-1b, 5-B-1c, 5-B-1d, 5-B-1e, and 5-B-1f ~~5-G-1d, 5-H-1d, 5-I-1d, 5-J-1d, 5-K-1d or 5-L-1d~~ shall have a right to a hearing by the Director of Public Works or his designee within fifteen (15) days of a mailing or other delivery of the notice of violation.

5-P-1b The customer's written request for a hearing must be received within ten (10) days of the issuance of the notice of violation. This request shall stay installation of a flow-restricting device on the customer's premises and the assessment of any surcharge until the Director of Public Works or designee renders his or her decision. The decision shall be issued within ten (10) days of the hearing, a copy of which shall be provided to the customer.

5-P-1c The decision of the Director of Public Works shall be final except for judicial review.

SECTION Q - ADDITIONAL WATER SHORTAGE MEASURES

5-Q-1 ADDITIONAL WATER SHORTAGE MEASURES:

The Board of Directors may order implementation of water conservation measures in addition to those set forth in Rules 5-B-1, 5-D-1, 5-E-1, 5-F-1, 5-G-1, 5-H-1, 5-I-1, 5-J-1, 5-K-1, and 5-L-1. Such additional water conservation measures shall be implemented in the manner provided in Rule 5-BC-1.

SECTION R - PUBLIC HEALTH AND SAFETY NOT TO BE AFFECTED

5-R-1 PUBLIC HEALTH AND SAFETY NOT TO BE AFFECTED:

Nothing in this ordinance shall be construed to require the District to curtail the supply of water to any customer when such water is required by that customer to maintain an adequate level of public health and safety.

SECTION S – SEVERABILITY

5-S-1 SEVERABILITY:

If any part of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remainder of the ordinance or the application of such provision to other persons or circumstances shall not be affected. The Board of Directors of the District or Districts declares that it would have adopted this ordinance and all provisions hereof irrespective of the fact that any one or more of the provisions be declared invalid or unconstitutional.